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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,391	05/25/2000	Akiro Sato	0694-132	6158

7590 05/05/2005

BRADLEY N. RUBEN  
463 FIRST STREET  
SUITE 5A  
HOBOKEN, NJ 07030-1859

EXAMINER

BAXTER, JESSICA R

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/578,391

Applicant(s)

SATO ET AL.

Examiner

Jessica R Baxter

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, 8, 11, 15 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,665,117 to Rhodes in view of U.S. Patent No. 5,725,547 to Chuter.

Rhodes discloses a cylindrical body comprising a cylindrical body comprising at least one plate member with a plurality of protuberances (50). The plate member may be in the pattern of a zigzag, lattice, or rhombus (Column 6 lines 51-56). Rhodes discloses the claimed invention except for the depressions being formed on the opposite side of the plate member. Chuter teaches that depressions in combination with protuberances are formed on the surface of a stent in order to help fix the device to a vessel wall to prevent migration and to resist compressive loading (Column 4 lines 44-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Rhodes with a combination of protuberances and depressions in order to prevent stent migration and to resist compressive loading.

Regarding the limitations involved in the method for anastomosis, Rhodes connects two vessels together with the device (see FIGS. 1 and 5). The device (20) connects and forms a new passage between the renal arteries (14) through the abdominal aorta (12) to the iliac arteries.

Art Unit: 3731

3. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,500,013 to Buscemi et al in view of Chuter '547.

Buscemi discloses a cylindrical body comprising a helical plate member (FIG. 4) with a plurality of protuberances (FIG. 8). Buscemi discloses the claimed invention except for the depressions being formed on the opposite side of the plate member. Chuter teaches that depressions in combination with protuberances are formed on the surface of a stent in order to help fix the device to a vessel wall to prevent migration and to resist compressive loading (Column 4 lines 44-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Buscemi with a combination of protuberances and depressions in order to prevent stent migration and to resist compressive loading.

4. Claims 1, 2, 3, 4, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,735,893 to Lau et al. in view of Chuter '547.

Lau discloses a cylindrical body comprising a plurality of plate members connected by a plurality of connecting wires (FIG. 9,10). Lau discloses the claimed invention except for the plurality of protuberances and corresponding depressions on the opposite side of the plate member. Chuter teaches that depressions in combination with protuberances are formed on the surface of a stent in order to help fix the device to a vessel wall to prevent migration and to resist compressive loading (Column 4 lines 44-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Lau with a combination of protuberances and depressions in order to prevent stent migration and to resist compressive loading.

Art Unit: 3731

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-11, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 571-272-4691. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter  
Examiner  
Art Unit 3731

*JRB*  
jrb

*[Signature]*  
**ANH TUAN T. NGUYEN**  
**SUPERVISORY PATENT EXAMINER**

*4/30/05*